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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,761	07/14/2003	Kazuhiro Shibata	44319-068	4041
7590 12/08/2008 Kenneth L. Cage, Esquire McDERMOTT, WILL & EMERY 600 13th Street, N.W. WASHINGTON, DC 20005-3096				
EXAMINER SELBY, GEVILL V				
ART UNIT 2622		PAPER NUMBER		
MAIL DATE 12/08/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/617,761

Applicant(s)

SHIBATANI ET AL.

Examiner

GEVELL SELBY

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-13, 15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4-13, 15 and 18-20 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see the amendment, filed 8/13/08, with respect to the 35 U.S.C. 103 rejections of claims 1, 3-13, 15, and 18-20 have been fully considered and are persuasive. The 35 U.S.C. 103 rejections of claims 1, 3-13, 15, and 18-20 have been withdrawn.
2. Applicant's arguments filed 8/13/08 have been fully considered but they are not persuasive regarding claim 3. There were no specific arguments given as to why the applicant feels that claim 3 is allowable over the claim objection for failing to further limit the subject matter of the previous claim. Therefore, the rejection stands.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 3/25/03. It is noted, however, that applicant has not filed a certified copy of the 2003-082148 application as required by 35 U.S.C. 119(b).

Claim Objections

4. Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 3 states the following limitation of the previous claim: the image forming section is arranged to form an image of the front scene, with the image of an

actual or imaginary converging point of the lane of the running path for the moving body being at the center of a frame of the formed image.

Allowable Subject Matter

5. Claims 1, 4-13, 15, and 18-20 are allowed.
6. The following is an examiner's statement of reasons for allowance:

In regard to claims 1, 4-9, 11-13, 15, and 18-20, the prior art does not disclose a monitor device with the combination of limitations specified in the claimed invention, specifically the limitations of:

an image sensor driving section for driving the image sensor to change the photo-electrically converted area of the two dimensional image in accordance with the determined zoom ratio; an image enlarging section for processing the image data to enlarge the image of the converted area with the zoom ratio determined by the zoom ratio, wherein the image data is obtained by photo-electrically converting only an area determined in accordance with the zoom ratio in an effective image area, and the two dimensional image of the front scene is formed in an entire area of the effective image area in the image sensor, as stated in claim 1.

In regard to claim 10, the prior art does not disclose a monitor device with the combination of limitations specified in the claimed invention, specifically the limitations of:

wherein the speed classifying section determines which of a first and a second speed ranges the detected speed belongs, the speed of the second range being higher than that of the first range; the zoom ratio determining section determines a first zoom ratio when the detected speed is within the first range, and determines a second zoom ratio when the detected speed is

within the second range, the second zoom ratio being larger than the first zoom ratio; and the image area selecting section processes the image data to select a first area of the two dimensional image when the first zoom ratio is determined, and select a second area of the two dimensional image when the second zoom ratio is determined, the second area being smaller than the first area, as stated in claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEVELL SELBY whose telephone number is (571)272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622